

HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. In April 2005 the petitioner was terminated from the community service placement where he was working due to his employer's determination of an "appearance of wrongdoing". He met with his Reach Up case manager on May 13, 2005, at which time it was agreed that he would engage in a two week

work search and meet with Reach Up once a week for two weeks. The petitioner was instructed that if he didn't find employment in this time he would be assigned to a CSE job at the local recycling center. The petitioner did the first week of the work search and met with his worker on May 20, 2005, at which time he was instructed to continue his work search and report back to Reach Up on May 27, 2005.

3. The petitioner did not come to his meeting on May 27, and he did not contact his Reach Up worker. On June 1, 2005, his worker sent him a certified letter scheduling a meeting on June 9, 2005 "to discuss your next community service work site because your job search time has ended. At the petitioner's request that meeting was rescheduled to June 10.

4. At the meeting on June 10, 2005 the petitioner indicated that he did not want to work at the recycling center. The case manager agreed to allow the petitioner until June 13 to locate a job or an alternative CSE placement. The case manager orally advised the petitioner that his RUFA grant would be sanctioned if he did not find a job or accept a CSE placement by that date.

5. The petitioner did not report back to his case manager by June 13. Having heard nothing from him by June

16, the case manager notified the petitioner's eligibility worker that his RUFA grant should be sanctioned. On June 21, 2005 the Department notified the petitioner that his RUFA grant would be reduced by \$135 effective July 1, 2005 due to a Reach Up sanction.

6. At a hearing held on August 10, 2005 the petitioner did not dispute that he had missed the Reach Up meetings in June. He believes Reach Up is unfairly "pushing him" into working at the recycling center. However, other than his own preference to try to find work elsewhere he did not allege any reason why the recycling center is an inappropriate job site. The Department stated that it considers the recycling center a "bottom line" CSE job site because it nearly always has placements available for individuals, like the petitioner, who have had difficulties finding or retaining placements elsewhere.

7. At the hearing the petitioner also made the hearing officer aware of a dispute he had with Reach Up late in 2004. It does not appear, however, that this dispute has any bearing on his recent problems with Reach Up.

8. The petitioner has had two prior conciliations with Reach Up within the last five years.

ORDER

The Department's decision is affirmed.

REASONS

Participants in Reach Up who cannot find employment after a certain period of time are required to accept "subsidized" employment in order to meet the work requirements of the RUFA program. W.A.M. § 2360.24. The Department places such individuals in subsidized employment through its CSE program. § 2364.6. An individual is considered not in compliance with Reach Up whenever, *inter alia*, he is found to have failed attend scheduled meetings, "meet work requirements", or "accept or retain employment". § 2370.1. In this case, as noted above, the petitioner admits that he missed scheduled meetings with his Reach Up worker and that he refused a job at the recycling center. Other than his preference not to work there, the petitioner has not alleged any reason to avoid a CSE placement at the recycling center that could be considered "good cause" under the regulations. See § 2370.31.

Individuals like the petitioner who have had two conciliated disputes with Reach Up within the past five years are subject to "immediate initiation of the sanctions process

without an opportunity for conciliation. § 2371.1. In this case it must be concluded that the Department's actions are supported by the above provisions and that the petitioner's RUFA grant is subject to sanctions pursuant to § 2372.2. Therefore, the Board is bound to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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